

Applicants: Livak *et al.*  
Serial No.: 10/038,520  
Filed: October 22, 2001  
Response to Final Office Action  
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### **REMARKS**

In the Office Action dated November 26, 2003, the Examiner rejects: (i) claims 33 - 50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 5,945,284; and (ii) claims 33 - 50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,309,829.

In response to these rejections, Applicants submit a Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent with respect to U.S. Patent No. 5,945,284, and a Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent with respect to U.S. Patent No. 6,309,829. Applicants also submit the accompanying Statement Under 37 CFR 3.73(b).

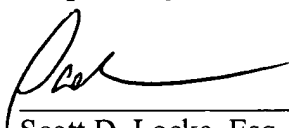
By virtue of the enclosed Associate Power of Attorney, the undersigned is an attorney of record for this matter and authorized to execute the enclosed documents.

No fee other than the enclosed fees for the terminal disclaimers is believed to be due. If any additional fee is due, or an overpayment has been made, please charge, or credit, Deposit Account No. 11-0171 for such sum.

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If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott D. Locke', written over a horizontal line.

Scott D. Locke, Esq.  
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Attorney for Applicant

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